

energy at which the transmit power control command is transmitted based on this determination.

In contrast, Wallentin discloses a method of power control based on received signal quality. The controller of a base station determines the signal to interference/noise ratio for a mobile station and compares the ratio to a target signal to interference/noise ratio. If the comparison indicates that the mobile station needs to change power, the controller causes an appropriate power change command to be sent to the mobile station.

Anticipation requires that each and every element a claim be found in a single prior art reference. Wallentin discloses sending a power change command to a mobile station based on the result of a comparison of a signal to interference/noise ratio to a target signal to interference/noise ratio. This is not the same as claim 1, which recites setting the energy at which a transmit power control command is transmitted based on how important it is that the transmit power control command is correctly received. Wallentin does not disclose setting the energy at which a transmit power control command is sent. Accordingly, claim 1 recites features not disclosed in Wallentin and is allowable for at least this reason. Claim 12 defines an apparatus for controlling the energy at which a transmit power control command is transmitted, including means for determining how important it is that the transmit power control command is correctly received, and means for setting the energy at which the transmit power control command is transmitted. Therefore, claim 12 is allowable over Wallentin for at least the same reason as claim 1.

Claims 1, 2, 4, 10-13, 15, 21, and 22 were rejected for anticipation by U.S. Patent No. 5,943,610 to Endo. This rejection is traversed.

Endo discloses transmission power control with a dynamic step value. A control unit determines an average reception field strength and estimates the approximate location of a mobile terminal. Based on this estimate, the transmit power of the base station is changed if needed.

As discussed above, claim 1 recites setting the energy at which a transmit power control command is transmitted based on how important it is that the transmit power control command is correctly received. Endo, on the other hand, discloses varying the transmit power based on the strength of a received signal. Endo does not even suggest transmitting a power control command, let alone varying the

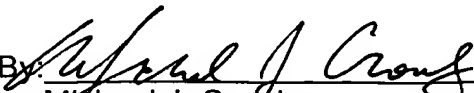
energy used to transmit the command based on how important it is that the command be received. Rather, as shown in Fig. 2, and described at col. 6, lines 7-57 (cited by the Examiner), Endo uses a control unit 209 to adjust the transmit power of a transmitter (using the transmission power control unit 208) based on the received signal strength as determined by the reception field strength measuring unit 207. According, Endo fails to disclose all of the elements of claim 1 and claim 1 is allowable for at least this reason. Claim 12, also discussed above, is allowable for at least the same reasons as claim 1. Claims 2, 4, 10, 11, 13, 15, 21, and 22 depend from either claim 1 or claim 12, and are allowable for at least the same reasons as their respective base claim.

Claims 3 and 14 were rejected for obviousness over Endo and in view of U.S. Patent No. 6,385,462 to Baum et al. ("Baum"). Claims 3 and 14 depend from claim 1 and claim 12, respectively. As noted above, Endo fails to disclose transmitting a power control command or varying the energy used to transmit the command based on how important it is that the command be received, and Baum does not cure this deficiency. Accordingly, even if one would have thought to combine Endo and Baum, one would still have had to modify the combined teachings to reach the subject matter of the Applicant's claims. Accordingly, claims 3 and 14 are allowable for at least the same reasons as their respective base claim.

Applicants believe this application to be in condition for allowance, and respectfully requested a Notice to this effect at an early date. If any issues remain, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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